

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

2008 SEP -2 PM 12: 03

UNITED STATES OF AMERICA,

Plaintiff,

v.

Jose NOLASCO,

Defendant

Magistrate Docket No.

CLERK U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

'08 MJ 2696

COMPLAINT FOR VIOLATION OF:

BY VNH DEPUTYTitle 8, U.S.C., Section 1326
Deported Alien Found in the
United States

The undersigned complainant, being duly sworn, states:

On or about **August 29, 2008** within the Southern District of California, defendant, **Jose NOLASCO**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

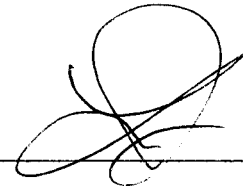


SIGNATURE OF COMPLAINANT

Ismael A. Canto

Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 2nd DAY OF SEPTEMBER, 2008.



Leo S. Papas

UNITED STATES MAGISTRATE JUDGE

004
8/29/08
VNH

CONTINUATION OF COMPLAINT:**Jose NOLASCO****PROBABLE CAUSE STATEMENT**

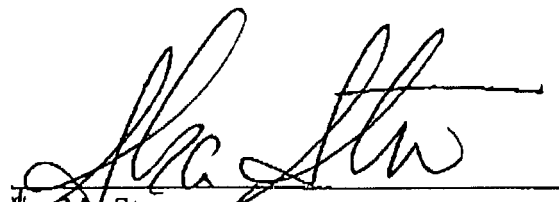
I declare under the penalty of perjury that the following statement is true and correct:

On August 29, 2008, Border Patrol Agent R. Madlangbayan was conducting line watch duties near Jamul, California. At approximately 9:10 pm, Agent Madlangbayan responded to a seismic intrusion device activation, two hundred meters southeast of the Border Patrol State Route 94 Checkpoint. This area is approximately five and one half mile north of the International Border and eleven miles west of the Tecate, California Port of Entry.

Agent Madlangbayan, following the directions of the mobile infrared scope operator came upon six individuals hiding in some thick brush on a trail. Agent Madlangbayan approached the individuals and identified himself as a United States Border Patrol Agent in both the English and Spanish Languages. Agent Madlangbayan then questioned the individuals as to their immigration status. All six of the individuals in the group admitted to being citizens and nationals of Mexico. One individual, later identified as defendant Jose ~~VARGAS~~, state he was a citizen and national of Mexico and was not in possession of proper immigration documents that would allow him to be in or remain in the United States Legally. At approximately 9:30 pm, ~~VARGAS~~ was placed under arrest and transported to the Brown Field Border Patrol Station for Processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to Mexico on January 22, 2007 through San Diego, CA. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

Executed on August 31, 2008 at 10:00 A.M.


Lisa M. Struve
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 2 page(s), I find probable cause to believe that the defendant named in this probable cause statement committed the offense on 08/29/2008, in violation of Title 8, United States Code, Section 1326.


Leo S. Papas
United States Magistrate Judge

8/31/08 - 3:31 pm
Date/Time